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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO.24 OF 2007
IN
WRIT PETITION NO.917 OF 1998

The Union of India & Ors. ..Petitioners

Vs.

Bharat Bhailal Vaidya ..Respondent

Ms.S.I.Shah for the Petitioners.
Mr.Bharat L.Gandhi i/b.Mr.K.G.Pandey for the
Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
SMT.V.K.TAHILRAMANI, JJ.

DATE : 19TH DECEMBER, 2007
(In Chamber at 5.00)

P.C.

1. Heard the learned Counsel for the parties. By this Review Petition, the Petitioners are seeking to recall of our order dated 8th November, 2006. There is an apparent error, in the sense that the original Petitioners' dispute with regard to excess billing was already taken up before the learned Arbitrator appointed under Section 7B of the Indian Telegraph Act, 1885 and in view thereof, our order directing the said issue to be resolved again by the learned Arbitrator cannot be sustained. Both the learned Counsel for the parties fairly state that they did not bring it to the notice of the Court that earlier dispute really pertains to the Award dated 4th March, 1998, passed by the Learned Arbitrator under

Section 78 of the Indian Telegraph Act, 1885.

2. Under the aforesaid facts and circumstances of the case, we recall our order dated 8th November, 2006 and restore the above Writ Petition No.917 of 1998 to the file. The Writ Petition No.917 of 1998 be placed before the regular bench for final hearing. Review Petition stands disposed of accordingly.

(MST.V.K.TAHILRAMANI, J.)

(DR.S.RADHAKRISHNAN, J.)